

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal: Amendments to the City of Seattle Land Use Code, Title 23, related to land use and zoning, implementing various code provisions to remove barriers to urban agriculture

Project Sponsor: City of Seattle Department of Planning and Development

Location of Proposal: The proposal is a non-project action, applicable citywide.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, implementing various provisions to the Land Use Code to remove barriers to and facilitate creation and expansion of urban agriculture.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The proposal would:

1. Add and/or clarify the definition of agricultural use and the following key terms, as categories of agricultural use: horticulture, aquaculture, animal husbandry, community gardens (including P-Patch community gardens), and urban farms.
2. Allow community gardens (including P-Patch community gardens) as uses permitted outright in all zones, with some limitations in industrial zones. Currently, community gardens may be allowed as parks and open space. The proposed use provision would allow them in all zones, whether or not they would fall within the definition of parks and open space; however, on industrial-zoned land they would be limited to rooftops and vertical

surfaces. Currently, a community garden that is not a parks and open space use is only allowed (as a horticulture use) in commercial and downtown zones.

3. Allow urban farms in all zones, as follows:

Commercial/Downtown/Seattle Mixed: Allow urban farms and community gardens outright as a principal or accessory use, without a size limit. Horticulture and aquaculture uses currently are limited to 10,000 sf in NC1 zones and 25,000 sf in NC2 zones; these limits would not change with the proposed legislation. In Downtown and Seattle Mixed zones, all agricultural uses are permitted outright.

Industrial: Allow urban farms and community gardens outright as an accessory or principal use outside of designated Manufacturing/Industrial Centers, and on tops and sides of buildings in all industrial zones. The current prohibition of horticultural uses in industrial zones would be maintained under this proposed legislation.

Residential: Allow urban farms up to 4,000 sf of planting area outright as an accessory use, without any use permit required, and larger urban farms as an accessory use, subject to receipt of an administrative conditional use permit. Currently, agricultural uses are not allowed in residential zones.

4. Allow rooftop greenhouses in 15-foot exception to height limits as a rooftop feature, if the greenhouse is dedicated to food production in multifamily, commercial, industrial, Seattle Mixed, and Downtown zones.
5. Add farmers' markets to the definition of a "multipurpose retail sales" use.
6. Increase the number of domestic fowl allowed on a lot from three to eight, continuing the provision allowing additional fowl for lots larger than the minimum lot size or larger than 5,000 sf where there is no minimum lot size. Roosters would not be allowed in any zone. There are no additional changes proposed for regulations on keeping of animals.
7. Allow existing urban horse farms greater than ten acres to operate as a permitted use in single-family zones. Current regulations allow farm animals based on lot size, and there are no proposed changes to animal husbandry regulations. Allowing horse farms greater than ten acres to be a permitted use would allow construction of accessory buildings that are not permitted to be built under existing regulations for nonconforming uses.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated April 1, 2010. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to remove barriers to and facilitate creation and expansion of urban agriculture. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Natural Environment

Water, Air, Releases of Toxic or Hazardous Materials, Noise

The proposed legislation is not expected to have significant impacts on water, air, noise, or lead to significant increases in releases of toxic or hazardous materials. Water usage may increase, leading to potentially increased runoff. Additionally, the storage and use of chemicals such as fertilizers and pesticides may increase. Sprayed herbicides or pesticides may have adverse environmental effects, impacting air and water quality by the release of hazardous substances. Potential impacts include negative effects to environmental health, decreased water quality, and impacts to flora and fauna. The City's Stormwater Code generally prohibits any discharge into the storm drainage system and to receiving waters of irrigation water or stormwater that includes pesticides, herbicides, or fertilizer, among other substances. Larger farms in residential zones will be required to disclose any intent to use agricultural chemicals or pesticides, as part of the conditional use permit process.

As larger planting areas may need to rely on greater use of mechanical equipment, larger urban farms may be allowed greater use of such equipment in some instances, subject to the discretion of the Director, and may generate greater noise impacts. Smaller farms in residential areas are limited both in the types of mechanical equipment they may employ and in their hours of operation, limiting potential noise impacts. Impacts on air quality will be limited by new code language applying in all zones that restricts the extent to which offensive odors or fumes related to an urban farm can escape into the open air.

Development of specific projects on individual sites is subject to the City's existing regulations, such as the Land Use Code, the Stormwater Code, the Environmentally Critical Areas Ordinance, and the City's Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Plants, Animals, Fish, or Marine Life

As noted above, various plant and animal species and habitat may be impacted from runoff contaminated with agricultural chemicals. Given competition for space among various permitted uses in all zones, it is expected that urban farms are likely to be small, and managed without extensive use of pesticides or fertilizers. As noted above, the City's Stormwater Code generally prohibits discharges of irrigation water or stormwater that includes substances such as pesticides, herbicides, or fertilizer; this prohibition likely will reduce potential runoff impacts on species and

habitat. Urban farms over 4,000 square feet in residential zones would be required to prepare a sediment and erosion control plan, and the administrative conditional use permit could include sediment and erosion control measures, if necessary. In addition, the existing regulatory framework, including the Land Use Code, the Shoreline Master Program, the Environmentally Critical Areas Ordinance, the Grading Code, the Stormwater Code, and the City's SEPA Ordinance (for projects meeting or exceeding the threshold for environmental review) would address impacts as applicable during review of individual projects. The potential impacts of this proposed legislation on plants, animals, fish or marine life are expected to be minor.

Energy or Natural Resources

The use of land for agricultural purposes likely will be less energy-intensive than various other permitted uses in many zones, including commercial and industrial. Increased energy use may result from the code provision that would allow greenhouses to extend 15 feet above the allowed height limit in multifamily, commercial, Seattle Mixed, Downtown, and industrial zones. An increase in greenhouse area may lead to increased energy consumption during winter months, as heat and light would need to be provided for the plants to survive. Overall, however, the anticipated increase in use of energy or natural resources is likely to be minimal, and no significant adverse impacts from the proposed legislation are expected.

Environmentally Critical Areas or Areas Designated for Government Protection

Location of uses authorized by this legislation would be reviewed pursuant to applicable regulations. These include the Shoreline Master Program, Environmentally Critical Areas Ordinance, the Grading Code, the Stormwater Code, the Land Use Code, and the City's SEPA Ordinance. These codes (other than the specific proposed amendments to the Land Use Code) are not being modified and would continue to apply to urban agricultural uses. It is unlikely that the proposed code changes would have significant adverse impacts on environmentally critical area or areas designated for government protection.

Built Environment

Land & Shoreline Use

The Shoreline Master Program generally prohibits "agricultural" uses in most environments but allows them outright in the Urban Industrial (UI) environment. The text amendments do not propose any changes to the Shoreline Master Program (SMC 23.60), and thus would not allow any use or development now prohibited under those provisions. As noted above, the City's Stormwater Code generally prohibits any discharge into receiving waters of irrigation water or stormwater that includes pesticides, herbicides, or fertilizer, among other substances. Larger farms in residential zones, which may be adjacent to shoreline areas, will be required to disclose

any intent to use agricultural chemicals or pesticides, as part of the conditional use permit process.

The proposed changes would expand possible agricultural uses in many zones in Seattle. Urban farms and community gardens likely would be generally compatible with other uses in residential zones. Parks and open space, which are similar in concept to community gardens, currently are allowed outright in all zones. Urban farms would introduce a commercial element by allowing produce to be grown and sold on lots in residential zones. Impacts from such farms would be controlled in several ways, including limits on hours of operation, limitations on allowed signs, and limits on commercial deliveries and pickups to one per day. Such farms would be permitted to sell only produce or plants that had been grown on-site. Urban farms larger than 4,000 square feet in residential zones, which could be expected to have greater impacts, would be required to obtain an administrative conditional use permit, which could lead to additional project-specific mitigation based on potential impacts. Urban farms in all zones would be required to limit the spread of odors off-site.

As many of the potential impacts of urban farms and community gardens (such as increases in traffic and noise) would not be inconsistent with impacts of other uses in commercial, downtown, Seattle Mixed, and industrial zones, it is anticipated that these new uses would be generally compatible with land uses existing or permitted in these zones. However, impacts on industrial uses in designated manufacturing/industrial centers will be limited by allowing community gardens and urban farms only on rooftops and the sides of buildings. The current prohibition of horticultural uses in industrial zones would be maintained under this proposed legislation.

Under the proposed legislation, greenhouses that are dedicated to food production would be allowed to extend 15 feet above the otherwise applicable height limit in multifamily, commercial, industrial, Seattle Mixed, and Downtown zones, so long as the combined total coverage of all features gaining additional height does not exceed 50 percent of the roof area. The greenhouse also would be required to abide by current code provisions that requires over height rooftop features to be placed no closer than 10 feet from the north edge of the roof (or alternately to demonstrate lack of shadow impacts with shadow diagrams), to protect solar access for properties to the north. (This code provision would be added to industrial zones through this legislation.) Impacts on views from this additional height are expected to be minor, and shadow impacts would be controlled through the code provisions cited above.

The text amendments also would allow existing horse farms greater than ten acres in single-family zones to operate as a permitted use, which would permit construction of accessory buildings. This code change would apply to one site, which is on a relatively isolated site with few immediate neighbors. The construction of additional buildings could have minor impacts on the surrounding land uses, but single-family development standards, such as lot coverage and height limits, would apply to limit the scale and scope of such new buildings. Additionally, farm animals and structures housing them must be at least 50 feet away from any lot in a residential zone. The code change would not allow for an increase in the number of animals that could be kept on-site.

Together with the proposed code provisions described above, the existing regulatory framework (such as the Land Use Code, Shoreline Master Program, Environmentally Critical Areas Ordinance, Landmarks Preservation Ordinance, and the City's SEPA Ordinance) are likely to be

sufficient to address land and shoreline use impacts that could result from these proposed text amendments. No significant adverse land and shoreline impacts are anticipated.

Transportation, Public Services and Utilities

Transportation impacts of the proposed code changes are likely to be relatively small. In residential zones, urban farms no larger than 4,000 square feet are limited to one commercial delivery and pickup per day. Some additional traffic may occur from retail activity on-site, but the small size of the farm would be expected to limit the amount of such traffic. Larger urban farms could be required through the administrative conditional use permit process to provide information on expected traffic and parking impacts, and the Director could condition the project to reduce or eliminate these impacts. Urban farms locating in other zones are not likely to generate transportation or parking impacts appreciably different from what would be generated by currently permitted uses.

The proposed legislation potentially could increase demand for water, through requests for new services or hookups to existing water lines, increased water use, or both. Providers of utilities and public services, such as Seattle Public Utilities, regularly review the effects of increased development and identify needs for enhanced services as part of their planning for future service needs. It is expected that any impacts of this legislation on public services and utilities would be relatively minor.

Conclusion

The proposed code amendments to remove barriers to and facilitate creation and expansion of urban agriculture are unlikely to have substantial impacts. Urban farms in residential zones would be limited to 4,000 square feet, or would need to provide additional documentation for review through an administrative condition use permit process. Existing codes, such as the City's Stormwater Code, would limit impacts from the proposed amendments, for example by prohibiting any discharge into the storm drainage system and to receiving waters of irrigation water or stormwater that includes pesticides, herbicides, or fertilizer. Impacts on air quality will be limited by new code language applying in all zones that restricts the extent to which offensive odors or fumes related to an urban farm can escape into the open air. Overall, no significant adverse impacts are expected from these proposed amendments.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- ☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS - SEPA

None.

Signature: _____ Date: _____
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Department of Planning and Development